.IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 10347 of 2006

Dated 20th July, 2006

Between
P. Venkata Seshaiah and ors …Petitioners

And

AP Residential Educational Institutions Society,
Rep. By its Secretary, III Floor, Gagan Vihar, Hyderabad and ors.

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 10347 of 2006

ORDER:

This Writ Petition is filed questioning the orders of termination of services of the petitioners issued by the third respondent in proceedings Rc.No.1Spl/Dist.Collector/KGBV/06, dated 12-5-2006, in the capacity of Chairman of Kasturiba Gandhi Balika Vidyalayas.

It is the case of the petitioners that they were appointed in the Kasturiba Gandhi Balika Vidyalaya, Atloor Village of Badvel Mandal in Kadapa District on 15-8-2005 on monthly salary ranging from Rs.2,500/- to Rs.3,500/-. It is their grievance that though they were appointed to the clear vacancies by following regular selection

process, impugned order is passed without conducting any enquiry as per rules governing the AP Residential Educational Institutions Society.

Counter affidavit is filed on behalf of the respondents, in which, it is stated that the Government has sanctioned 94 Kasturba Gandhi Balika Vidyalayas in Andhra Pradesh for improvement of literacy rate among girls in Backward Mandals under Sarva Siksha Abhiyan Scheme. It is stated that the posts of Special Officer and Contract Resident Teachers were filled by the Society and in so far as teaching staff on part time basis is concerned, the Special Officers are authorized to fill these posts with locally available persons on hourly basis. It is further stated that teaching staff was appointed having regard to work load on hourly basis and non-teaching staff was appointed on daily wage basis, subject to condition of not exceeding the amount of Rs.2500/- per month. It is categorically denied in the counter affidavit that the petitioners were appointed by following regular selection process.

From the counter affidavit, it is clear that the petitioners were not appointed in clear vacancies by following regular selection process. They were appointed on hourly and daily wage basis, as the case may be, having regard to work load. In that view of the matter, they have no vested right to seek continuance in the posts. Further, It is stated in the counter affidavit that the petitioners were not allowing the administration of institution to run smoothly with the assistance of anti social elements. In any event, in view of the recent judgment of the Apex Court, in the case of *Secretary, State of Karnataka Vs. Uma Devi*[1], the petitioners are not entitle to seek relief either to continue them in the posts or to declare their termination as illegal.

The Writ Petition is devoid of merits and the same is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 20-07-2006
Msnr.

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[1] (2006)4 SCC 1